

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

OSAGE NATION,)	
)	
Plaintiff,)	
)	Case No.: 01-CV-0516-JHP-FHM
vs.)	
)	
THOMAS E. KEMP, JR., Chairman of)	
the Oklahoma Tax Commission; JERRY)	
JOHNSON, Vice-Chairman of the)	
Oklahoma Tax Commission; and)	
CONSTANCE IRBY, Secretary-Member)	
of the Oklahoma Tax Commission,)	
)	
Defendants.)	

PLAINTIFF OSAGE NATION’S PRELIMINARY LIST OF EXHIBITS

COMES NOW Plaintiff Osage Nation (the “Nation”), by and through its attorneys of record, Pitchlynn and Williams, PLLC, and pursuant to the Court’s *Scheduling Order*, hereby submits its preliminary list of exhibits for the above-referenced case as follows:

No.	Description
1.	Act of June 5, 1872 – “An Act to confirm to the Great and Little Osage Indians a Reservation in the Indian Territory”
2.	Act of June 16, 1906 (34 Stat. 267) – “An Act To enable the people of Oklahoma and of the Indian Territory to for a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States” (Oklahoma Enabling Act)
3.	Act of June 28, 1906 (34 Stat. 539) – “An Act For the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes” (Osage Allotment Act)
4.	Act of March 3, 1909 (35 Stat. 778) – “An Act Authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes”
5.	1907 Map of State of Oklahoma, from U.S. Department of the Interior,

	reflecting Osage Reservation
6.	2004 Map of State of Oklahoma, from U.S. Geological Society and U.S. Department of the Interior, reflecting Osage Reservation
7.	May 3, 2005, Letter from National Indian Gaming Commission Acting General Counsel Penny J. Coleman, to Lawrence Supernaw, Jr., Chairman, Osage Nation Gaming Commission and attorneys Elizabeth Homer and Wilson Pipestem
8.	May 4, 2005, Letter from National Indian Gaming Commission Acting General Counsel Penny J. Coleman, to Drew Edmondson, Attorney General, State of Oklahoma
9.	July 28, 2005, Letter from National Indian Gaming Commission Acting General Counsel Penny J. Coleman, to Richard Meyers, Assistant Solicitor, Division of Indian Affairs
10.	March 8, 2004, Memorandum from Aurene Martin, Principal Deputy Assistant Secretary – Indian Affairs, to Regional Director, Eastern Oklahoma Region
11.	2006 Osage Nation Constitution and laws of the Osage Nation
12.	October 25, 1997, Executive Proclamation from Gov. Frank Keating declaring Osage Day
13.	Picture of road sign on State Highway “YOU ARE ENTERING THE OSAGE NATION RESERVATION
14.	February 15, 1994, Letter from Regional Solicitor Tim Vollmann, to Oklahoma Water Resources Board Chairman Robert S. Kerr, Jr.
15.	Act of March 2, 1917 (39 Stat. 969) – “An Act Making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and eighteen”
16.	Treaty of 1865 (14 Stat. 687) – “Treaty between the United States of America and the Great and Little Osage Indians” Concluded, September 29, 1865; Ratification advised, with Amendments, June 26, 1866; Amendments accepted September 21, 1866; Proclaimed January 21, 1867
17.	Treaty of 1866 (14 Stat. 799) – “Treaty between the United States of America and the Cherokee Nation of Indians” Concluded July 19, 1866; Ratification advised, with Amendments, July 27, 1866; Amendments accepted July 31, 1866; Proclaimed August 11, 1866
18.	January 26, 1901 Memorial from Osage Indians – Referred to the Committee on Indian Affairs
19.	January 23, 1906 – H.Rep. No. 59-496, “Statehood for the Territories”
20.	June 6, 1906 – S.Rep. No. 59-4210, “Division of Lands and Funds of Osage Indians, Oklahoma”
21.	May 13, 1932 – H.Rep. No. 72-1292, “Manufacture and Sale of Industrial and Beverage Alcohol for Lawful Purposes in Osage County, Okla.”
22.	February 15, 1909 – H.Rep. No. 60-2216, “Sale of Surplus Indian Lands in Oklahoma”
23.	February 11, 1909 – S.Rep. No. 60-976, “Sale of Indian Lands in Oklahoma.”

24.	February 16, 1905 – H.Rep. No. 58-4622, “Equal Division of Lands and Moneys of Osage Indians, Etc.”
25.	January 12, 1912 – H.Rep. No. 62-230, “Division of Lands and Funds of Osage Nation of Indians in Oklahoma.”
26.	January 23, 1917 – S.Rep. No. 64-962, “Indian Appropriation Bill.”
27.	January 19, 2005 – Federal Register, Vol. 70, No. 12 (pages 3054-3059) Department of the Interior, Bureau of Indian Affairs, Osage Tribe—Sale and Consumption of Alcoholic Beverages
28.	2002 – Material from the U.S. Census Bureau to Osage Principal Chief requesting information regarding the Osage Reservation boundaries
29.	March 9, 2001 – Memorandum of Law from Oklahoma Corporation Commission General Counsel William R. Burkett to Vice-Chairman Denise A. Bode
30.	February 2, 2007, Letter from U.S. Senator John McCain to Director, Congressional Affairs, Bureau of Indian Affairs
31.	March 19, 2007, Letter from Director, Bureau of Indian Affairs to Charles O. Tillman, Jr. (in response to request by Sen. McCain)
32.	March 19, 2007, Letter from Director, Bureau of Indian Affairs to U.S. Senator Kay Bailey Hutchison
33.	February 15, 1994, Letter from Osage Principal Chief Charles O. Tillman, Jr. to Oklahoma Water Resources Board Chairman Robert S. Kerr, Jr.
34.	June 13, 1994, Letter from Osage Principal Chief Charles O. Tillman, Jr. to Oklahoma Water Resources Board Chairman Robert S. Kerr, Jr.
35.	Report of the Governor of Oklahoma to the Secretary of the Interior for the Year Ended June 30, 1906 (Washington: GPO, 1906)
36.	Proceedings of the Constitutional Convention of the Proposed State of Oklahoma Held at Guthrie, Oklahoma, November 20, 1906 to November 16, 1907 (Muskogee Printing Co., 1907)
37.	Roy Gittinger, The Formation of the State of Oklahoma (1802-1906) (1917)
38.	June 2, 1906 - H. Rep. No. 59-4660 (1906) Conference Report to accompany H.R. 12707, Statehood Bill
39.	June 13, 1906 - H. Rep. No. 59-4925 (1906) Conference Report to accompany H.R. 12707, Statehood Bill
40.	S. Doc. 60-187 – Constitution of the State of Oklahoma
41.	March 29, 2006, Stipulations of Fact in The Osage Nation and/or Tribe of Indians of Oklahoma v. The United States of America, U.S. Court of Federal Claims, Case No.: 99-550 L
42.	September 21, 2006, Order in The Osage Nation and/or Tribe of Indians of Oklahoma v. The United States of America, U.S. Court of Federal Claims, Case No.: 99-550 L
43.	Proposed Constitution of the State of Oklahoma (Washington Government Printing Office, 1907)
44.	De Noya v. Hill Inv. Co., Supreme Court of Oklahoma, 127 Pac. 444 (1912)
45.	June 1, 2004 – CONGRESSIONAL RECORD, Vol. 150 (2004)

46.	November 19, 2004 – CONGRESSIONAL RECORD, Vol. 150 (2004)
47.	May 19, 2004 – H.Rep. 108-502, “To Reaffirm the Inherent Sovereign Rights of the Osage Tribe to Determine its Membership and Form of Government”
48.	September 15, 2004 – S.Rep. 108-343, “To Reaffirm the Inherent Sovereign Rights of the Osage Tribe to Determine its Membership and Form of Government Report”
49.	December 5, 1905, Osage National Council Resolution
50.	September 28, 2005, Opinion and Order, in Quarles v. United States, et al., U.S. District Court for the Northern District of Oklahoma, Case No.: 00-CV-0913-CVE-PJC
51.	S. Doc. 57-4420 – Hearings before the Subcommittee of the Committee on Territories on House Bill 12543, to Enable the People of Oklahoma, Arizona, and New Mexico to Form Constitutions and State Governments and be Admitted into the Union on an Equal Footing with the Original States
52.	June 12, 1906 – S. Doc. 59-487 – Conference Report on the Statehood Bill to Accompany H.R. 12707
53.	March 1, 1904 – Statehood for Oklahoma - Hearing before the House Committee on Territories – Remarks of Robert L. Owen of Muscogee Indian Territory
54.	December 17-18, 1920 - Hearing before the Senate Committee on Indian Affairs on S. 4039 A Bill to Amend Section 3 of the Act of Congress of June 28, 1906, Entitled “An Act for the Division of the Lands and Funds of the Osage Indians in Oklahoma, and for Other Purposes.”
55.	January 20, 1905 – Hearings before the Subcommittee of the Committee on Indian Affairs of the House of Representatives on H.R. 17478, “Division of the Lands and Moneys of the Osage Tribe of Indians.” Volume I
56.	February 10, 1905 – Hearings before the Subcommittee of the Committee on Indian Affairs of the House of Representatives on H.R. 17478, “Division of the Lands and Moneys of the Osage Tribe of Indians.” Volume II
57.	June 5, 1906 – S. Doc. 59-478 – Statehood Bill - Conference Report on the Statehood Bill to Accompany H.R. 12707
58.	March 7, 1906 – S. Doc. 59-255 – “Resolutions of Joint Statehood Convention”
59.	January 29, 1906 – S.Rep. 59-427 – Statehood Bill – Report from the Committee on Territories
60.	Any exhibit, listed by Defendants, not objected to by Plaintiff.

Due to ongoing discovery, Plaintiff reserves its right to modify, supplement, or amend this lists as necessary in response and in conjunction therewith and the manner provided by law.

In addition, Plaintiff reserves its right to object to the exhibits of any party.

Respectfully submitted,

/s/ Stephanie Moser Goins

Gary S. Pitchlynn, OBA #7180
O. Joseph Williams, OBA # 19256
Stephanie Moser Goins, OBA #22242
PITCHLYNN & WILLIAMS, PLLC
124 East Main Street
P.O. Box 427
Norman, Oklahoma 73070
Telephone: (405) 360-9600
Facsimile: (405) 447-4219
Email: gspitchlynn@pitchlynnlaw.com
jwilliams@pitchlynnlaw.com
smgoins@pitchlynnlaw.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of December, 2008, a true and complete copy of the within and foregoing **PLAINTIFF OSAGE NATION'S PRELIMINARY LIST OF EXHIBITS** was electronically transmitted to the Clerk of Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Douglas B. Allen Guy Hurst Sean McFarland OKLAHOMA TAX COMMISSION 120 N. Robinson Avenue, Suite 2000W Oklahoma City, Oklahoma 73102 <i>Attorneys for Defendants</i>	Lynn H. Slade William C. Scott Modrall, Sperling, Roehl, Harris & Sisk, P.A. 500 Fourth Street, NW, Suite 1000 Albuquerque, NM 87102 <i>Attorneys for Defendants</i>
---	---

/s/ Stephanie Moser Goins

STEPHANIE MOSER GOINS